

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE ORGANOGENESIS SECURITIES
LITIGATION

Case No.: 1:04cv10027-JLT

**PLAINTIFFS' NOTICE OF TRANSFER OF MOTION TO COMPEL NON-PARTY
PRICEWATERHOUSECOOPERS LLP TO COMPLY WITH *SUBPOENA DUCES
TECUM* AND REQUEST FOR ADJUDICATION**

Plaintiffs, by their counsel, respectfully submit this notice of the United States District Court for the Southern District of New York's (the "SDNY") transfer of Plaintiffs' motion to compel PricewaterhouseCoopers LLP ("PwC") to comply with a *subpoena duces tecum*, dated June 16, 2006 (the "Motion"), and respectfully request that this Court adjudicate the motion, which already has been fully briefed by Plaintiffs and PwC and is ripe for decision.¹

On March 6, 2007, the Hon. Miriam G. Cedarbaum of the SDNY ordered that the attached Motion to Compel Third Party PricewaterhouseCoopers LLP to Comply with *Subpoena Duces Tecum* be transferred to this Court for adjudication. *See* Transcript of March 6, 2006 Proceedings at 18-19 ("SDNY Hearing Transcript") (attached hereto as Exhibit 1). Attached hereto are copies of the following documents:

- Exhibit 1: The SDNY Hearing Transcript;
- Exhibit 2: Petitioners' Notice of Motion and Motion to Compel Third Party PricewaterhouseCoopers LLP to Comply with *Subpoena Duces Tecum*;
- Exhibit 3: Petitioners' Memorandum of Law in Support of Their Motion to Compel Third Party PricewaterhouseCoopers LLP to Comply with *Subpoena Duces Tecum*;

¹ Plaintiffs informed counsel for PwC via email on March 8, 2007, of the Plaintiffs' intention to file this Notice pursuant to the ruling of the SDNY. Defendants also have been so informed.

- Exhibit 4: Declaration of Peter Sloane in Support of Petitioners' Motion to Compel Third Party PricewaterhouseCoopers LLP to Comply with *Subpoena Duces Tecum* (and exhibits A-M thereto);
- Exhibit 5: Non-Party Respondent PricewaterhouseCoopers LLP's Memorandum of Law in Opposition to Petitioners' Motion to Compel;
- Exhibit 6: Declaration of Matthew J. Matule in Support of Non-Party Respondent PricewaterhouseCoopers LLP's Memorandum of Law in Opposition to Petitioners' Motion to Compel (and exhibits 1-6 thereto);
- Exhibit 7: Petitioners' Reply Memorandum of Law in Further Support of Their Motion to Compel Third Party PricewaterhouseCoopers LLP to Comply with *Subpoena Duces Tecum*.

In accordance with Judge Cedarbaum's order, Plaintiffs respectfully request that the Court adjudicate the Motion.

Dated: March 9, 2007

MOULTON & GANS, P.C.

By: /s/ Nancy Freeman Gans
Nancy Freeman Gans, BBO #184540
55 Cleveland Road
Wellesley, MA 02481
Telephone: (781) 235-2246

*Liaison Counsel and Local Counsel for
Plaintiffs and the Class*

MILBERG WEISS & BERSHAD LLP

Peter Sloane
Peter E. Seidman
S. Melisa Twomey
One Pennsylvania Plaza
New York, NY 10119
(212) 594-5300

Lead Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I, Nancy Freeman Gans, hereby certify that counsel for all parties of record have been served this day via ECF and that, in addition, counsel for PricewaterhouseCoopers LLP has been served a true copy of this document by mail.

/s/ Nancy Freeman Gans
Nancy Freeman Gans